

**Federal Defenders
OF NEW YORK, INC.**

Southern District
52 Duane Street-10th Floor, New York, NY 10007
Tel: (212) 417-8700 Fax: (212) 571-0392

David E. Patton
Executive Director

Southern District of New York
Jennifer L. Brown
Attorney-in-Charge

September 19, 2022

BY ECF

Honorable Jesse M. Furman
United States District Judge
Southern District of New York
40 Foley Square
New York, New York 10007

**Re: United States v. Antonio Velez
21 Cr. 63 (JMF)**

Dear Judge Furman:

I write, as counsel to Antonio Velez in the above-captioned matter, to respectfully request a modification to Mr. Velez's bail conditions to remove his location monitoring device temporarily when necessary to undergo certain medical procedures in light of his stage 4 cancer diagnosis. Pretrial services and the government do not object to this request.

On February 11, 2020 Magistrate Judge Robert Lehrburger released Mr. Velez on his own signature and imposed the following bail conditions including: a \$100,000 personal recognizance bond, cosigned by two financially responsible and/or moral suasion persons; GPS monitoring with curfew; travel restricted to SDNY/EDNY and New Jersey; surrender of all travel documents and no new applications; pretrial supervision as directed by Pretrial Services. His conditions were met shortly thereafter.

For the past two and a half years, Mr. Velez has remained in full compliance with the conditions of his release. In an email to counsel last month, pretrial stated that it "can address and mitigate risk of nonappearance and danger to the community without the location monitoring condition. [Mr. Velez] has remained in full compliance, he reports weekly, has had no issue while on location monitoring and provides me with any documentation/makes himself available for any home visits, etc."

As the Court is aware, the removal of Mr. Velez's ankle monitor is necessary for Mr. Velez to undergo full-body MIR scans. Dkt. 50. On August 24, 2022, the Court issued an order

granting “modification of bail conditions to permit the temporary removal of the location monitoring bracelet to facilitate [Mr. Velez’s] full-body MRI...” Dkt. 53. On September 4, 2022, pursuant to the Court’s order, pretrial services temporarily removed Mr. Velez’s location monitoring device to enable him to undergo a full-body MRI scan; the monitoring device was reinstalled following the procedure. As a result of that scan, Mr. Velez’s oncologist determined that Mr. Velez’s cancer had spread to his lymph nodes, leading to a diagnosis of stage 4 lung cancer.

On Friday, September 16, 2022, Mr. Velez’s doctor recommended that Mr. Velez undergo two additional full-body screens ahead of his sentencing on Thursday, September 22. One such scan would occur at 9:00am on Tuesday, September 20; the other scan is scheduled for 4pm on Wednesday, September 21. Both scans require the temporary removal of Mr. Velez’s location monitoring device.

Given Mr. Velez’s stage 4 cancer diagnosis and his complete compliance with the conditions of his release over the past two and a half years, Mr. Velez respectfully requests the Court modify his bail conditions to permit the removal of the location monitoring device for medical procedures, with the understanding that the device will be reinstalled after the procedures are complete. Pretrial services and the government do not object to this request. *See* Dkt. 52.

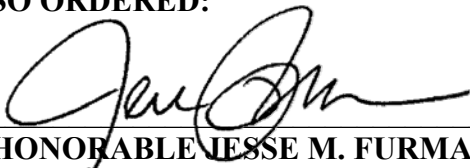
Thank you for your consideration of this request.

Respectfully submitted,

/s/
Marne Lenox
Assistant Federal Defender
(212) 417-8721

Application GRANTED. The Clerk of Court is directed to terminate Doc. #57.

SO ORDERED:


HONORABLE JESSE M. FURMAN
United States District Judge
September 19, 2022

cc: Sarah Mortazavi, Assistant U.S. Attorney